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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,106	06/04/2001	Shell S. Simpson	10007657-1	6046

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EXAMINER	
SHINGLES, KRISTIE D	
ART UNIT	**PAPER NUMBER**
2141	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/874,106	SIMPSON ET AL.	
	Examiner	Art Unit	
	Kristie D. Shingles	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16 and 18-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16 and 18-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment
No claims have been amended.

Claims 1-16 and 18-36 are pending.

Response to Arguments

I. In view of the Appeal Brief filed on 7/3/2007, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is a non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendment, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

II. Applicant's arguments with respect to claims 1-16 and 18-36 have been considered but are moot in view of the new ground(s) of rejection.

CLAIM REJECTIONS - 35 USC § 103

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

IV. Claims 1-7, 10-16, 18-25, 27, 32, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Anderson* (US 6,499,016) in view of *Tate* (US 7,069,237).

a. **Per claim 1,** *Anderson* teaches a system for searching imaging data comprising digital data capable of being represented as two dimensional graphics stored in a personal imaging repository by a requested web service operatively connected to a computing device requesting the service, comprising:

- a computing device for requesting service with the requested web service (*Abstract, col.2 lines 53-67*);
- a personal imaging repository associated with a particular user profile for storing imaging data that is to be accessed by the requested web service (*col.2 lines 56-67, col.3 lines 10-67, col.5 lines 20-30, col.5 line 64-col.6 line 8, col.6 lines 32-42*), wherein said personal imaging repository is an exchange infrastructure between the imaging data and available web services (*col.2 lines 56-67, col.5 lines 10-19, col.6 lines 32-42*);
- user information for allowing access to said personal imaging repository (*col.5 lines 20-30*); and,
- a requested web service for servicing the imaging data stored in said personal imaging repository responsive to a request from a user and upon having access to said personal imaging repository granted upon receiving said user profile (*col.5 line 64-col.6 line 8*),
- wherein said imaging data is maintained in said personal imaging repository once said imaging data is service for at first time (*col.6 lines 9-51*).

Anderson fails to explicitly teach wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository and said imaging data being made available to being freely used by other web services. However, *Tate* teaches storing a user's images at a retailer or server and adding hotlink pointers to the imaging data in order for

user to access the imaging data stored at the server (*col.5 lines 24-49*), wherein the imaging data may also be available to other parties (*col.3 line 55-col.4 line 19, col.6 lines 5-14, col.7 lines 7-17, col.7 line 38-col.8 line 55*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Anderson* with *Tate* for the purpose of provisioning customization and referencing of the images from the requested web service and allowing other web services to use the uploaded images, in order to provide image enhancements from customization tools that may be unavailable to the submitting user—which serves to effectively promote and upgrade the images' quality for advanced utilization and frees users from performing time-consuming enhancements to their images.

b. **Claims 19 and 36** contain limitations that are substantially equivalent to claim 1, differing only in statutory class, and are therefore rejected under the same basis.

c. **Per claim 2,** *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said requested web service sends a web content responsive to a service request from said computing device (*Abstract, col.2 lines 53-67, col.6 lines 19-42; Tate—col.7 line 7-col.8 line 55*).

d. **Per claim 3,** *Anderson* teaches the system as defined in claim 2 wherein said web content causes said user information to be sent to said web service (*col.5 lines 20-30, col.6 lines 19-42; Tate—col.7 line 7-col.8 line 55*).

e. **Per claim 4,** *Anderson* teaches the system as defined in claim 3 wherein said web service accesses said personal imaging repository using said user information (*col.5 lines 20-35, col.6 lines 2-8*).

f. **Per claim 5,** *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said web service is provided through a web server (*Figure 1, col.2 lines 61-67, col.5 lines 10-19, col.6 lines 19-31; Tate—col.7 line 7-col.8 line 55*).

g. **Per claim 6,** *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said computing device further includes a web browser for displaying and executing web content from the available web services (*col.6 lines 19-31; Tate—col.6 lines 38-67*).

h. **Per claim 7,** *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said personal imaging repository provides the imaging data in a plurality of file formats (*col.3 lines 30-49*).

i. **Per claim 10,** *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said personal imaging repository comprises an imaging data store for storing imaging data (*col.2 lines 2-15 and 53-67, col.3 lines 15-30*).

j. **Per claim 11,** *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said personal imaging repository comprises a plurality of imaging data stores for storing imaging data (*col.5 lines 10-30 and col.5 line 64-31*).

k. **Per claim 12,** *Anderson* with *Tate* teach the system as defined in claim 11, *Anderson* further teaches wherein one of said plurality of imaging data stores is assigned to the user associated with said personal imaging repository for user usage (*col.5 lines 10-30 and col.5 line 64-col.6 line 31*).

l. **Per claim 13,** *Anderson* with *Tate* teach the system as defined in claim 11, *Tate* teaches wherein one of said plurality of imaging data stores is assigned to a web service for storing imaging data available to the public (*col.7 line 7-col.8 line 55*).

m. **Per claim 14,** *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said personal imaging repository comprises a composition store for storing imaging compositions of imaging data serviced as a single unit (*col.3 line 50-col.4 line 47*).

n. **Per claim 15,** *Anderson* with *Tate* teach the system as defined in claim 14, *Anderson* further teaches wherein an imaging composition comprises a link to each imaging data (*col.5 lines 20-30, col.6 lines 5-8; Tate—col.5 lines 24-52*).

o. **Per claim 16,** *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said user information is identification and security information used for accessing said personal imaging repository (*col.5 lines 20-21, col.6 lines 38-39*).

p. **Per claim 18,** *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said user information is stored on the computing device (*col.5 lines 10-21*).

q. **Per claim 20,** *Anderson* teaches the method according to claim 19 wherein said step of requesting service further comprising the steps of: requesting web content from the requested web service by the browser of the computing device (*col.6 lines 21-34*); receiving the request for web content from the browser by the requested web service (*col.6 lines 28-38*); sending web content to the browser by the requested web service responsive to the request for web content (*col.6 lines 32-41*); receiving the web content from the web service by the browser

(*col.6 lines 29-30*); and, displaying and executing the web content by the browser (*col.6 lines 24-42*).

r. **Per claim 21,** *Anderson* teaches the method according to claim 20 wherein said step of displaying and executing the web content further comprising the steps of: sending user information to the requested web service by the browser responsive to the web content (*col.6 lines 2-8 and 32-38*); and, directing the browser to a requested web service responsive to the web content (*col.6 lines 24-31 and 38-42*).

s. **Claim 22** is substantially similar to claim 21 and is therefore rejected under the same basis.

t. **Per claim 23,** *Anderson* teaches the method according to claim 19 wherein said step of accessing the personal imaging repository further comprising the steps of: connecting with the composition store of the personal imaging repository by the web service (*col.6 lines 5-8 and 19-23*); obtaining a list of the imaging composition stored in the composition store by the web service (*col.6 lines 19-27*); constructing a web content including a list of the imaging composition by the web service and control for selecting the available service (*col.6 lines 24-29*); and, sending the constructed web content to the browser by the web service for user selection (*col.6 lines 28-34*).

u. **Per claim 24,** *Anderson* teaches the method according to claim 23 further comprising the steps of: receiving the constructed web content from the web service by the browser (*col.6 lines 24-29*); and, displaying the constructed web content for user selections by the browser (*col.6 lines 30-38*).

v. **Per claim 25,** *Anderson* teaches the method according to claim 23 further comprising the steps of: requesting a selected composition in a specialized format from the composition store by the web service responsive to user selection; receiving a request for user selected composition in a specified format from the web service by the composition store; obtaining each imaging data indicated by the selected composition from its proper location; sending the imaging data linked from the user selected composition in the specified format to the web service by the composition store; and, receiving the imaging data in the specified format from the composition store by the web service (*col.6 lines 21-42*).

w. **Per claim 27,** *Anderson* teaches the method according to claim 19 wherein said step of accessing the personal imaging repository further comprising the steps of: connecting with the imaging data store of the personal imaging repository indicated from the user information; and, transferring the imaging data to the imaging data store (*col.5 lines 20-35, col.5 line 64-col.6 line 8, col.6 lines 19-42*).

x. **Per claim 32,** *Anderson* teaches the method according to claim 27 further comprising the steps of: obtaining a link reference of the transferred imaging data stored in the personal imaging data store; connecting with the composition store of the personal imaging repository indicated from the user information; creating an imaging composition having a link reference to the imaging data stored in the personal imaging data store; and, saving the imaging composition to the composition store (*col.6 lines 5-37; Tate—col.5 line 24-col.6 line 14*).

y. **Per claim 35,** *Anderson* teaches method according to claim 32 wherein said step of creating an imaging composition further comprising the step of adding the link reference of

the imaging data stored in the imaging data store to the imaging composition (*col.5 lines 20-30, col.6 lines 5-18; Tate—col.5 line 24-col.6 line 14*).

V. Claims 8, 9, 26, 29-31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Anderson* (US 6,499,016) with *Tate* (US 7,069,237) in further view of *Wood et al* (US 6,732,162).

z. **Per claim 8,** *Anderson* teaches the system of claim 7 as applied above, yet fail to explicitly teach he system, wherein said personal imaging repository further comprising a converter for converting the imaging data to any of said plurality of file formats. However *Wood et al* teach a converter for converting the image data into different formats (*col.4 lines 65-67, col.9 lines 5-14*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Anderson* and *Tate* with *Wood et al* for the purpose of provisioning the conversion of images into different formats for useable by different imaging applications and for reducing/compressing the image size.

aa. **Per claim 9,** *Anderson* and *Tate* with *Wood et al* teach the system as defined in claim 7, wherein said plurality of file formats of said personal imaging repository is any one from the group consisting of: Joint Photographic Experts Group Format; Graphics Interchange Format; Portable Network Graphics Format; Tagged Image File Format; Portable Document Format; and, Microsoft Windows bitmap format (*col.4 lines 28-29, col.9 lines 37-39, col.24 lines 50-67*).

bb. **Per claim 26,** *Anderson* and *Tate* with *Wood et al* teach the method as defined in claim 25, *Wood et al* further teach wherein said step of sending the imaging data further comprising the steps of: determining whether the imaging data needs to be converted into the

specified format; and, converting the imaging data in the specified format when the imaging needs to be converted into the specified format (*col.4 lines 22-31, col.6 lines 10-14, col.8 lines 31-47, col.24 lines 40-67*).

cc. **Per claim 29,** *Anderson* and *Tate* with *Wood et al* teach the method according to claim 27, *Wood et al* further teach the method comprising the steps of: connecting with the imaging data store further comprising the steps of: determining whether the connection with the imaging data store is successful; and, returning an error message to the user when the connection is not successful (*col.6 lines 25-43*).

dd. **Claim 30** is substantially equivalent to claims 8 and 26 and is therefore rejected under the same basis.

ee. **Claim 31** is substantially equivalent to claim 9 and is therefore rejected under the same basis.

ff. **Claim 34** is substantially similar to claim 29 and is therefore rejected under the same basis.

VI. Claims 28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Anderson* (US 6,499,016) with *Tate* (US 7,069,237) in further view of *Morris et al* (US 6,353,848).

a. **Per claim 28,** *Anderson* with *Tate* teach the method according to claim 27 as applied above, yet fail to explicitly teach the method further comprising the steps of: obtaining a link reference of the transferred imaging data stored in the personal imaging data store; and, disconnecting from the imaging data store by the requested web service. However, *Morris et al*

teach obtaining a link reference of the stored imaging data and disconnecting by the web service (*col.13 lines 30-52 and col.16 lines 39-67*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Anderson* and *Tate* with *Morris et al* for the purpose of establishing a link reference, wherein the data can be accessed via the link without the connection of the imaging data store and web service because this allows for efficient and quicker accessibility to the data.

b. **Claim 33** is substantially similar to claim 28 and is therefore rejected under the same basis.

Conclusion

VII. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Keller et al (6876759), Haneda et al (6856414).

VIII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie D. Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday 8:00am-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie D. Shingles
Examiner
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